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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE
TRUST FUND, et al.,

Plaintiffs,

V.

RBE CONSTRUCTION INC., a California corporation, doing business as SLINGSHOT DRYWALL

Defendant

Case No. 4:17-cv-03327-HSG

**JOINT REQUEST TO EXTEND
MEDIATION COMPLETION DEADLINE
BY 50 DAYS: ORDER**

Plaintiffs and Defendant RBE Construction, Inc. dba Slingshot Drywall, by and through their respective counsel of record, hereby respectfully request to extend the deadline to hold the mediation session by 50 days. Good cause exists for the continuance, as follows:

25 1. On October 26, 2017, the Court ordered the Parties to participate in mediation within the
26 presumptive deadline of ninety days, (Dkt. No. 24), as stipulated. The deadline for the Parties to
27 participate in mediation was January 24, 2018.

1 2. On November 13, 2017, the Court issued a Notice of Appointment of Mediator James H.
2 Fleming (Dkt. No. 25).

3 3. The parties participated in a pre-mediation phone conference on November 29, 2017 with
4 Mr. Fleming, and scheduled a mediation hearing for January 22, 2018.

5 4. In late December 2017, Defendant provided documents necessary to complete the
6 pending audit to Plaintiffs' auditor, Lindquist, LLP ("Lindquist").

7 5. Lindquist initially advised Plaintiffs' counsel that a draft audit report would be completed
8 in early February.

9 6. On January 28, 2018, the Parties submitted a joint request to extend the mediation
10 completion deadline by 60 days. The Court granted that request and extended the mediation completion
11 deadline to March 23, 2018 (Dkt. No. 29).

12 7. Plaintiffs' auditor Lindquist was unable to complete the draft audit in the timeframe
13 initially estimated due to the number of documents reflecting work performed over a period of two
14 years. The draft audit was not completed until March 7, 2018. On March 12, 2018, the Court granted a
15 request to extend the mediation completion deadline to June 10, 2018 (Dkt. No. 31).

16 8. The Parties have been working together to review the audit and respond to the specific
17 findings. Because the period at issue spans over 18 months and multiple projects, it has taken longer
18 than anticipated to review and respond to the audit. Defendant RBE has a new bookkeeper and requires
19 additional time to respond to the audit.

20 9. The Parties believe that mediation will be most effective once the Plaintiffs and
21 Defendant have had the chance to complete discussion of the audit and the dispute process has been
22 completed.

23 10. Counsel has discussed this with Mr. Fleming, the mediator, and he has expressed his
24 support for the requested extension.

25 11. The Parties therefore request that the Court extend the August 20, 2018 deadline to hold
26 the mediation session by 50 days (October 9, 2018) to allow the Parties to complete the audit dispute
27 process prior to mediating.

1 DATED: August 9, 2018

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6 **SALTZMAN & JOHNSON LAW**
CORPORATION

7 By: /s/ Matthew P. Minser
8 Matthew P. Minser
9 Attorneys for Plaintiffs, District Council 16
Nor. Cal. Health and Welfare Trust Fund, et al.

10 DATED: August 9, 2018

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12 **SQUIRE PATTON BOGGS (US) LLP**

13 By: /s/ Wallace E. Smith
14 Wallace E. Smith
15 Attorneys for Defendant, RBE Construction, Inc.,
et al.

16
17 **CERTIFICATION RE: SIGNATURES**

18 I attest that concurrence in the filing has been obtained from the other Signatory.

19 DATED: August 9, 2018

20 By: /s/ Wallace E. Smith
21 Wallace E. Smith

IT IS SO ORDERED.

The deadline to hold the mediation session is extended by 50 days to October 9, 2018.

DATED: August 10, 2018



UNITED STATES DISTRICT COURT JUDGE